



D1510-1US (Patent)

In the United States Patent and Trademark Office

Applicant: Jay M. Short  
U.S. Ser. No. 09/677,584 (conf. 3873)  
Filing Date: September 30, 2000  
Title: Whole cell engineering by mutagenizing a substantial portion of a starting genome, combining mutations, and optionally repeating

Attention: Office of Petitions  
Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

RECEIVED

FEB 25 2005

TECH CENTER 1600/2900

Petition to Withdraw Holding of Abandonment

Dear Sir:

The Applicant hereby petitions the Commissioner for Patents under 37 C.F.R. § 1.181(a) from an examiner's holding of abandonment.

This application had been allowed on December 17, 2002 (see enclosed copies, including draftsperson's Notice). On March 5, 2003, the Applicant's courier hand-delivered the corrected drawings to Tech Center 1600/2900 (see the enclosed Transmittal Letter and postcard showing the dated confirmation stamp). The Applicant believes that the drawings were received by the Examiner, and that he called to confirm this (see the enclosed attorney notes of Dr. Jane Love).

At the same time, the Applicant filed other papers, including an Amendment under § 1.312 to conform to the corrected drawings, and sequence listing papers. The \$640 issue fee was then timely paid on March 6, 2003 (see enclosed Transmittal and postcard). Accordingly, the Applicant had submitted everything that was required by the Notice of Allowance.

Since then, the Applicant did not receive any further communication from the USPTO until the Applicant called the Examiner for a status inquiry on November 30, 2004. On December 1, 2004, the Examiner confirmed that the application had been abandoned because no drawings had been received by the Publications Department.

After numerous telephone calls to the Examiner between December 2004 and February 2005, the Examiner confirmed that the corrected drawings had been received, according to his notes in the file. However, it appeared that the file had been taken prematurely from his office, and that the corrected drawings were no longer in the file.

Ser. No. 09/677,584 (conf. 3873)  
Pet. to With. Holding of Aband't  
page 2

D1510-1

His supervisor's recommendation was to file this petition to withdraw the application from abandonment.

The Applicant has now prepared new corrected drawings and is submitting them herewith. The Applicant also requests that the previously filed Amendment under § 1.312 (copy enclosed) be entered, if not previously entered. In view of the substantial delay, through no fault by the Applicant, it respectfully requested that this application be withdrawn from abandonment and proceed to issuance on an expedited basis.

The Applicant does not consider this petition to require any fee (see M.P.E.P. § 711.03(c)(1) at 162). If required, however, authorization is hereby given to charge Deposit Account 50-0661 for any fees relating to this petition.

Please feel free to contact me with any questions at (858)-526-0348 or cfan@diversa.com.

Respectfully submitted,

Date: Feb. 15, 2005



Calvin Fan  
Reg. No. 38,444  
Attorney for Applicant

Diversa Corporation  
P.O. Box 910550  
San Diego, California 92191-0550  
USPTO Customer No. 29062

RECEIVED

FEB 25 2005

## PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: Mail Box ISSUE FEE  
 Commissioner for Patents  
 Washington, D.C. 20231  
 Fax (703)746-4000

TECH CENTER 1600/2900

**INSTRUCTIONS:** This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 4 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Legibly mark-up with any corrections or use Block 1)

28089 7590 12/17/2002

HALE AND DORR LLP  
 300 PARK AVENUE  
 NEW YORK, NY 10022



Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

**Certificate of Mailing or Transmission**  
 I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Box Issue Fee address above, or being facsimile transmitted to the USPTO, on the date indicated below.

Nancy E. Gilmore	(Depositor's name)
<i>Nancy E. Gilmore</i>	(Signature)
March 6, 2003	(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/677,584	09/30/2000	Jay M. Short	DIVER1510-1	3873

TITLE OF INVENTION: WHOLE CELL ENGINEERING BY MUTAGENIZING A SUBSTANTIAL PORTION OF A STARTING GENOME, COMBINING MUTATIONS, AND OPTIONAL REPEATING

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	\$640	\$0	\$640	03/17/2003

EXAMINER	ART UNIT	CLASS-SUBCLASS
PARK, HANKYEL	1648	435-069100

- |  |   |
|--|---|
| 1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).   | 2. For printing on the patent front page, list (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed. |
| <input type="checkbox"/> Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.  | <input type="checkbox"/> Jane M. Love, Ph.D.  |
| <input type="checkbox"/> "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required. | <input type="checkbox"/> Hale and Dorr LLP  |
| <input type="checkbox"/> 3.  |   |

## 3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. Inclusion of assignee data is only appropriate when an assignment has been previously submitted to the USPTO or is being submitted under separate cover. Completion of this form is NOT a substitute for filing an assignment.

## (A) NAME OF ASSIGNEE

## (B) RESIDENCE: (CITY and STATE OR COUNTRY)

Diversa Corporation

San Diego, California

Please check the appropriate assignee category or categories (will not be printed on the patent)  individual  corporation or other private group entity  government

## 4a. The following fee(s) are enclosed:

## 4b. Payment of Fee(s):

Issue Fee  
 Publication Fee  
 Advance Order - # of Copies 10

A check in the amount of the fee(s) is enclosed.  
 Payment by credit card. Form PTO-2038 is attached.  
 The Commissioner is hereby authorized to charge the required fee(s), or credit any overpayment, to Deposit Account Number 08-0219 (enclose an extra copy of this form).

Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply any previously paid issue fee to the application identified above.

(Authorized Signature) Jane M. Love (Date) March 6, 2003

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, D.C. 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMIT THIS FORM WITH FEE(S)

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

FEB 18 2005  
U.S. PATENT & TRADEMARK OFFICE  
RECEIVED  
TECH CENTER 1600  
FEB 25 2005

## TRANSMITTAL FORM

(To be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number	09 1677,584
Filing Date	Sept. 30, 2000
First Named Inventor	Short
Art Unit	1648
Examiner Name	Hankyeol Park
Attorney Docket Number	D1510-1US

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input checked="" type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Reply to Missing Parts/ Incomplete Application	<input type="checkbox"/> Landscape Table on CD	
<input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53		
<input type="checkbox"/> Remarks <i>Pete Copies of Not. Allowance , 10p. Corrected Drawings , 28p. Copy of Amendment under 1.312 Return Postcard</i>		

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm Name			
Signature	<i>Calvin Fan</i>		
Printed name	Calvin Fan		
Date	Feb. 15, 2005	Reg. No.	38,444

**CERTIFICATE OF TRANSMISSION/MAILING**

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

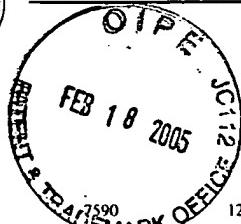
Signature	<i>Calvin Fan</i>		
Typed or printed name	Calvin Fan	Date	Feb. 15, 2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



## UNITED STATES PATENT AND TRADEMARK OFFICE

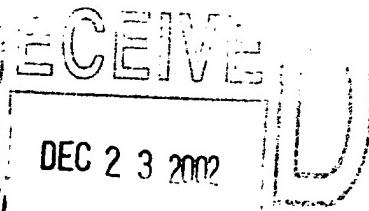


28089  
HALE AND DORR LLP  
300 PARK AVENUE  
NEW YORK, NY 10022

12/17/2002

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231  
www.uspto.gov

## NOTICE OF ALLOWANCE AND FEE(S) DUE



EXAMINER

PARK, HANKYEL

ART UNIT	CLASS-SUBCLASS
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1648 435-069100

DATE MAILED: 12/17/2002

HALE &amp; DORR

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/677,584	09/30/2000	Jay M. Short	DIVER1510-1	3873

TITLE OF INVENTION: WHOLE CELL ENGINEERING BY MUTAGENIZING A SUBSTANTIAL PORTION OF A STARTING GENOME, COMBINING MUTATIONS, AND OPTIONALLY REPEATING

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	\$640	\$0	\$640	03/17/2003

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE REFLECTS A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE APPLIED IN THIS APPLICATION. THE PTOL-85B (OR AN EQUIVALENT) MUST BE RETURNED WITHIN THIS PERIOD EVEN IF NO FEE IS DUE OR THE APPLICATION WILL BE REGARDED AS ABANDONED.

## HOW TO REPLY TO THIS NOTICE:

## I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status is changed, pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above and notify the United States Patent and Trademark Office of the change in status, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check the box below and enclose the PUBLICATION FEE and 1/2 the ISSUE FEE shown above.

Applicant claims SMALL ENTITY status.  
See 37 CFR 1.27.

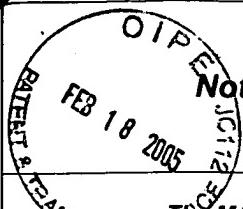
II. PART B - FEE(S) TRANSMITTAL should be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). Even if the fee(s) have already been paid, Part B - Fee(s) Transmittal should be completed and returned. If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Box ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

HALE &amp; DORR DOCKETING

RE: 1127464-1311  
Action Date: 12/17/2003  
Action to be Taken: Final  
Docketed By: CW On: 12/23/02



## Notice of Allowability

Application No.

09/677,584

Applicant(s)

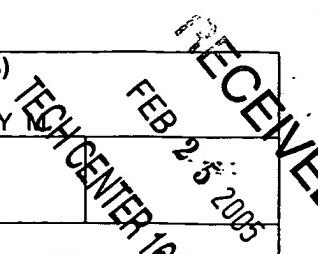
SHORT, JAY M.

Examiner

Art Unit

Hankye T. Park

1648



The MAILING DATE of this communication appears on the cover sheet with the correspondence address--  
All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included  
herewith (or previously mailed), a Notice of Allowance (PTO-85) or other appropriate communication will be mailed in due course. THIS  
**NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative  
of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

- This communication is responsive to 8/21/02.
- The allowed claim(s) is/are 1-24.
- The drawings filed on \_\_\_\_\_ are accepted by the Examiner.
- Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All    b)  Some\*    c)  None    of the:
  - Certified copies of the priority documents have been received.
  - Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

- Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
(a)  The translation of the foreign language provisional application has been received.
- Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE**

- A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
- CORRECTED DRAWINGS must be submitted.  
(a)  including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached  
    1)  hereto or 2)  to Paper No. \_\_\_\_\_.  
(b)  including changes required by the proposed drawing correction filed \_\_\_\_\_, which has been approved by the Examiner.  
(c)  including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the top margin (not the back) of each sheet. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftsperson.

- DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

- |  |   |
|--|---|
| <input type="checkbox"/> Notice of References Cited (PTO-892)  | <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)          |
| <input checked="" type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | <input type="checkbox"/> Interview Summary (PTO-413), Paper No. _____.            |
| <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449), Paper No. <u>8</u> .             | <input type="checkbox"/> Examiner's Amendment/Comment                             |
| <input checked="" type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material | <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
|  | <input type="checkbox"/> Other  |

Hankye T. Park  
Primary Examiner  
Art Unit: 1648



U.S. DEPARTMENT OF COMMERCE - Patent and Trademark Office Application No. 9/677,584

NOTICE OF DRAFTSPERSON'S  
PATENT DRAWING REVIEW

ed (insert date) 9-30-02 are:

by the Draftsperson under 37 CFR 1.84 or 1.152.  
o by the Draftsperson under 37 CFR 1.84 or 1.152 for the reasons indicated below. The Examiner will require  
, corrected drawings when necessary. Corrected drawing must be submitted according to the instructions on the back of this notice.

CFR 1.84(a): Acceptable categories of drawings:

gs are not acceptable until petition is granted.

in black ink not permitted. Fig(s) \_\_\_\_\_  
37 CFR 1.84(b)

i is required. Fig(s) \_\_\_\_\_  
may not be mounted. 37 CFR 1.84(e)  
(half-tone). Fig(s) \_\_\_\_\_  
37 CFR 1.84(e)

ible, strong, white, and durable.

rations, overwritings, interlineations,  
achine marks not accepted. Fig(s) \_\_\_\_\_  
paper is not acceptable (too thin).

37 CFR 1.84(f): Acceptable sizes:

.7 cm (DIN size A4)

.9 cm (8 1/2 x 11 inches)

heets not the same size.

ets not an acceptable size. Fig(s) \_\_\_\_\_  
R 1.84(g): Acceptable margins:

5cm Right 1.5 cm Bottom 1.0 cm

: A4 Size

5 cm Right 1.5 cm Bottom 1.0 cm

: 8 1/2 x 11

able. Fig(s) 5-18, 21, 24

Left (L) \_\_\_\_\_

Bottom (B) \_\_\_\_\_

1.84(h)

ification may require revision to

ing changes.

FR 1.84(h)(2)

ed to show figure as one entity.

led separately or properly.

not labeled separately or properly.

VS. 37 CFR 1.84 (h)(3)

indicate for sectional portions of an object.

gnation should be noted with Arabic or  
rs. Fig(s) \_\_\_\_\_

8. ARRANGEMENT OF VIEWS. 37 CFR 1.84(i)

Words do not appear on a horizontal, left-to-right fashion  
when page is either upright or turned so that the top  
becomes the right side, except for graphs. Fig(s) \_\_\_\_\_

9. SCALE. 37 CFR 1.84(k)

Scale not large enough to show mechanism without  
crowding when drawing is reduced in size to two-thirds in  
reproduction.  
Fig(s) \_\_\_\_\_

10. CHARACTER OF LINES, NUMBERS, & LETTERS.  
37 CFR 1.84(l)

Lines, numbers & letters not uniformly thick and well  
defined, clean, durable, and black (poor line quality).  
Fig(s) \_\_\_\_\_

11. SHADING. 37 CFR 1.84(m)

Solid black areas pale. Fig(s) \_\_\_\_\_  
Solid black shading not permitted. Fig(s) \_\_\_\_\_  
Shade lines pale, rough and blurred. Fig(s) \_\_\_\_\_

12. NUMBERS, LETTERS, & REFERENCE CHARACTERS.

37 CFR 1.84(p)

Numbers and reference characters not plain and legible.  
Fig(s) \_\_\_\_\_  
Figure legends are poor. Fig(s) \_\_\_\_\_  
Numbers and reference characters not oriented in the  
same direction as the view. 37 CFR 1.84(p)(1)  
Fig(s) \_\_\_\_\_  
English alphabet not used. 37 CFR 1.84(p)(2)  
Figs \_\_\_\_\_  
Numbers, letters and reference characters must be at least  
.32 cm (1/8 inch) in height. 37 CFR 1.84(p)(3)  
Fig(s) \_\_\_\_\_

13. LEAD LINES. 37 CFR 1.84(q)

Lead lines cross each other. Fig(s) \_\_\_\_\_  
Lead lines missing. Fig(s) \_\_\_\_\_

14. NUMBERING OF SHEETS OF DRAWINGS. 37 CFR 1.84(t)

Sheets not numbered consecutively, and in Arabic numerals  
beginning with number 1. Sheet(s) \_\_\_\_\_

15. NUMBERING OF VIEWS. 37 CFR 1.84(u)

Views not numbered consecutively, and in Arabic numerals,  
beginning with number 1. Fig(s) \_\_\_\_\_

16. CORRECTIONS. 37 CFR 1.84(w)

Corrections not made from prior PTO-948  
dated \_\_\_\_\_

17. DESIGN DRAWINGS. 37 CFR 1.152

Surface shading shown not appropriate. Fig(s) \_\_\_\_\_  
Solid black shading not used for color contrast.  
Fig(s) \_\_\_\_\_

RECEIVED  
FEB 26 2005  
TECH CENTER 1600/2800

J. CHASE DATE 11-18-02 TELEPHONE NO. 703 305 8430

TO PAPER NO. 10



PATENT  
Docket No. 112766-235

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants: Jay M. Short      Examiner: Park, Hankyel T.  
U.S. Serial No.: 09/677,584      Art Unit: 1648  
Filing Date: September 30, 2000  
For: WHOLE CELL ENGINEERING BY MUTAGENIZING A  
SUBSTANTIAL PORTION OF A STARTING GENOME,  
COMBINING MUTATIONS AND OPTIONALLY REPEATING

RECEIVED  
FEB 25 2005  
TECH CENTER 1600/2900

Date of Notice of Allowance      December 17, 2002

Confirmation No.      3873

**TRANSMITTAL LETTER**

**BY HAND DELIVERY**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

Enclosed are the following for appropriate action:

1. Amendment After Notice of Allowance Pursuant to 37 C.F.R. § 1.312;
2. Twenty-eight (28) sheets of formal drawings (Figures 1-24);
3. Communication to Comply with Requirement;
4. Sequence Listing in Computer Readable Form;
5. Paper Copy of Sequence Listing; and
6. Return Postcard.

Respectfully submitted,

*Jane M. Love*  
Jane M. Love, Ph.D.  
Registration No. 42,812  
Attorney for Applicants

Date: March 5, 2003

HALE AND DORR LLP  
300 Park Avenue  
New York, New York 10022  
(212) 937-7233 (telephone)  
(212) 937-7300 (facsimile)

Transmittal Letter  
U.S. Serial No.: 09/677,584  
Filed: September 30, 2000



Whole Cell Engineering by Mutagenizing a Substantial Portion  
of a Starting Genome Combining Mutations and Optionally  
Title: Repeating

Serial/Patent #: 09/677584 1<sup>st</sup> Inventor: \_\_\_\_\_ Applicant: Short

The following have been received by the US Patent and Trademark Office on the date stamped hereon.

- Express Mail Label No. \_\_\_\_\_  Fee Transmittal Form  Transmittal Form  
 Certificate of Mailing - 37 CFR 1.8 (a)  Deposit Account Authorization  
 Applicant Claims Small Entity Status  Copy of/ Response to: Notice to File Missing Parts  
 Provisional Application Cover Sheet  Preliminary Amendment  
 New Application (      Design)  IDS, PTO-1449, and \_\_\_\_\_ publications (Supl. \_\_\_\_\_)  
Specification - Total Pages \_\_\_\_\_  
**Formal Drawings Total Sheets 28**  Sequence Listing:  CD-ROM  Disc (CRF)  Paper  
 CPA application  RCE application  Petition for \_\_\_\_\_ month extension of time  
 Oath of Declaration: \_\_\_\_\_ newly executed  Response to Office Action / Restriction Req.  
\_\_\_\_\_ unsigned; \_\_\_\_\_ copy from priority case  Appellant's Brief (triplicate) ( Reply Brief)  
 Assignment and Recordation Form  Issue Fee + \_\_\_\_\_ soft copies  Maintenance Fee  
 Application Data Sheet (Initial Information Data Sheet)

Continuation  Divisional  Continuation-in-Part of App No: \_\_\_\_\_

Other: **Statement Under 37 CFR 1.821-1.825** *852 No. 10093535*

Other: **Amendment Under 37 CFR 1.312** *852 No. 10093535* sheets formal

Mailing Date: **3/4/03** CM No. **DIV-1510-1** Filed By: **JML/ns**

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hand deliver it (SL & 312 And)  
he will enter it tomorrow in the case  
make sure its in compliance  
case will come next week ~ to his office  
send formal drawings at same time  
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called - he confirmed that SL, 312 And &  
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as ahead and pay issue fee

PATENT  
Docket No. DIV-1510-1 (112766-235)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants: Jay M. Short      Examiner: Park, Hankyel T.  
U.S. Serial No.: 09/677,584      Art Unit: 1648  
Filing Date: September 29, 2000  
For: WHOLE CELL ENGINEERING BY MUTAGENIZING A  
SUBSTANTIAL PORTION OF A STARTING GENOME,  
COMBINING MUTATIONS, AND OPTIONALLY REPEATING

**Date of Notice of Allowance: December 17, 2002**

**Confirmation No.: 3873**

**Certificate of First Class Mailing**

I hereby certify that this correspondence is being deposited this date with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Box: Issue Fee, Washington, D.C. 20231.

3/6/03

*Nancy E. Gilmore*

Nancy E. Gilmore

**TRANSMITTAL LETTER**

Commissioner for Patents  
Washington, D.C. 20231  
**BOX: Issue Fee**

Sir:

Enclosed are the following for appropriate action:

1. Issue Fee Transmittal paper;
2. Return Postcard.

Respectfully submitted,

*Jane M. Love*  
Jane M. Love, Ph.D.  
Registration No. 42,812  
Attorney for Applicants

Date: March 6, 2003

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New York, New York 10022  
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(212) 937-7300 (facsimile)

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**Whole Cell Engineering by Mutagenizing a Substantial Portion  
of a Starting Genome, Combining Mutations, and Optionally  
Title: Repeating**

Serial/Patent #: 09/677584 1<sup>st</sup> Inventor: \_\_\_\_\_ Applicant: Short

The following have been received by the US Patent and Trademark Office on the date stamped hereon.

- Express Mail Label No. \_\_\_\_\_  Fee Transmittal Form  Transmittal Form  
 Certificate of Mailing - 37 CFR 1.8 (a)  Deposit Account Authorization **\$640.00**  
 Applicant Claims Small Entity Status  
 Provisional Application Cover Sheet  
 New Application ( \_\_\_\_\_ Design) Specification - Total Pages \_\_\_\_\_  
 Formal Drawings - Total Sheets \_\_\_\_\_  
 CPA application  RCE application  
 Oath of Declaration: \_\_\_\_\_ newly executed \_\_\_\_\_ unsigned; \_\_\_\_\_ copy from priority case  
 Assignment and Recordation Form  
 Application Data Sheet (Initial Information Data Sheet)  
 Continuation  Divisional  Continuation-in-Part of App No: \_\_\_\_\_  
 Other: \_\_\_\_\_  
 Other: \_\_\_\_\_

Mailing Date: 3/6/03 CM No. DIV-1510-1 Filed By: JML/ng  
(112766.235)

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 Formal Drawings - Total Sheets \_\_\_\_\_  
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 Other: \_\_\_\_\_

Mailing Date: 3/6/03 CM No. DIV-1510-1 Filed By: JML/ng  
(112766.235)